



COURT NEWS

Supreme Court Welcomes New Associate Justice

When Governor Gray Davis nominated U.S. District Court Judge Carlos R. Moreno to become the next associate justice on the California Supreme Court, experts around the state lauded his selection.

On October 18, the Governor made the appointment official by swearing in Justice Moreno after his confirmation hearing at the Supreme Court in San Francisco. Justice Moreno fills the vacancy created by the death of Justice Stanley Mosk, who joined the Supreme Court in 1964 and was the longest-serving justice in its history.

“Only an individual with broad experience, unimpeachable integrity, and extraordinary ability would be able to follow Justice Mosk’s distinguished legacy,” said Governor Davis in a press release distributed after he announced Justice Moreno’s

nomination. “Of the four candidates I submitted to the State Bar Commission on Judicial Nominees Evaluation, he was the only one deemed ‘exceptionally well qualified’ by a unanimous vote.”

Justice Moreno began his legal career as a deputy city attorney with the Los Angeles City Attorney’s Office, prosecuting criminal and civil consumer protection cases and handling politically sensitive and legislative matters as special counsel to the city attorney. He then joined the firm of Mori & Ota (now known as Kelley, Drye & Warren) in 1979, representing institutional clients in the firm’s general commercial litigation practice.

In 1986 Governor George Deukmejian appointed Justice Moreno to the Municipal Court, Compton Judicial District, where he adjudicated criminal matters involving serious felony offenses and supervised the court’s civil department. In 1993 Governor Pete Wilson elevated Justice Moreno to the Superior Court of Los Angeles County. In his four years as a superior court judge,

he presided over felony trials in the Criminal Courts Building in downtown Los Angeles.

Justice Moreno was nominated to the federal bench by President Bill Clinton in 1998. The U.S. Senate unanimously confirmed him to the U.S. District Court for the Central District of California. He served as a federal district court judge for more than three years, presiding over a broad range of complex civil and criminal matters.

Justice Moreno has been very involved in his community as well as in the courtroom. He has served as president of the Mexican American Bar Association and has been a member of the California Judges Association, the Presiding Judges Association, and the Municipal Court Judges Association of Los Angeles County. He is also a director of the Arroyo Vista Family Health Center, a nonprofit community health clinic providing care to low-income residents in Northeast Los Angeles. In 1997 Justice Moreno received the Criminal Justice Superior Court



Governor Gray Davis (right) swore in Carlos R. Moreno as the newest associate justice of the California Supreme Court after his confirmation hearing on October 18 at the Supreme Court in San Francisco. *Photo: Shelley Eades*

Judge of the Year Award from the Los Angeles County Bar Association, and in 2001 he was presented with the For God, for Country and for Yale Award, given to distinguished alumni of Yale University.

Justice Moreno was born and raised in Los Angeles. He earned a Bachelor of Arts in political science from Yale University in 1970 and a law degree from Stanford Law School in 1975. ■

Ruvolo of the Court of Appeal, First Appellate District, chair of the task force. “We were also fortunate to have many mediators that already had experience as neutrals.”

“The mediation program gives the parties an opportunity to settle that they might not ordinarily take,” says John Toker, the First District’s mediation program administrator. “Feeling that it may signify a weakness in their case, some attorneys are hesitant to broach the subject of settlement. In addition, once the case reaches the appellate level, the parties tend to focus on writing briefs instead of on settlement talks.”

DEVELOPMENT OF THE MEDIATION PROGRAM

The Task Force on Appellate Mediation submitted its initial report on appellate mediation for civil appeals to the Judicial Council in February 1998. The report recommended that the pilot program provide mediation on a mandatory and confidential basis for selected civil cases and that mediators be chosen by the court from among appellate attorneys, mediators, and retired judges who have successfully completed a training course sponsored by the court.

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Appellate Mediation Effective, Says Task Force

BLAINE CORREN

Mediating appellate cases is cost-efficient, significantly reduces resolution time, and leads to a high degree of user satisfaction, according to a new report by the Task Force on Appellate Mediation.

Appointed by the Chief Justice in 1997, the Task Force on Appellate Mediation made recommendations for an experimental mediation program for civil appeals in the First Appellate District. The Judicial Council then sponsored a two-year pilot program for mandatory mediation in the First District. The goals of the program were to address the interests of both litigants and the court by reducing costs, time to resolution, and the adversarial culture of litigation, while increasing litigant satisfaction with the judicial process and the number of dispositions achieved without judicial intervention.

In its report on the pilot program, which operated from July 1, 1999, through June 30, 2001, the task force found that:

- More than 43 percent of the mediations resulted in full settlements.
 - Counsel participating in the mediation program estimated net savings in excess of \$6.2 million for their clients.
 - The median time from the filing of the *Notice of Appeal* to resolution was 3.9 months for the mediated appeals, compared to a median of 14 months for all civil appeals.
 - Settlements were achieved through the cooperation of the parties with assistance from court-appointed mediators.
 - More than 80 percent of the parties and their counsel would use the mediation process and the mediator again.
 - Trial courts benefited from the pilot program, as well, through a reduction in reversals and through global settlements, in which pending trial court proceedings were resolved along with the appeal.
- “Much of the success of the program lies in the fact that we had the funding and opportunity to formally train the mediators,” says Associate Justice Ignazio J.

JUDICIAL COUNCIL
OF CALIFORNIA
75TH ANNIVERSARY
1926-2001

See page 6 for highlights from 75 years of the Judicial Council.



Chief Justice
Ronald M.
George

MESSAGE FROM THE CHIEF JUSTICE

State of the Judiciary Address

On September 8, Chief Justice Ronald M. George delivered the State of the Judiciary address at the State Bar annual meeting in Anaheim. He urged those in the legal profession to continue to improve access to and fairness in the judicial system. Following is an excerpt from the address.

The continuing quest to improve access and fairness has engaged every facet of the judicial system. Why have we placed so much emphasis on achieving this goal? The answer is fundamental: a strong and independent court system is indispensable to our democracy. If the motto "And justice for all" becomes "And justice for those who can afford it," we threaten the very underpinnings of our social contract. And every day, the administration of justice in our state is threatened by the erosion of public confidence caused by lack of access. . . .

ASSISTING PRO PERS

Every courthouse is filled with apprehensive individuals whose sole experience with our legal system may have been a traffic ticket or jury summons and who are now seeking a marital dissolution, wanting to probate a will, or seeking to settle a contract. Too often these individuals find themselves without an attorney, feeling lost in an intimidating system and unsure where to turn for help.

Legal aid providers and pro bono efforts go a long way in making a difference in the lives of many individuals by helping them maneuver through the intricacies of the court process. Beyond encouraging and applauding these traditional and vitally important efforts, however, our court system has begun to take a more direct and active role in dealing with the needs of persons who come to court but cannot afford legal assistance or do not know where to turn to obtain it.

People come to the courts to resolve problems that can affect all aspects of their lives. Administering justice requires courts to do more than simply present themselves as fair, objective, and detached arbiters of the legal questions brought to them for decision making.

The courts have responded by initiating unprecedented and innovative programs aimed at improving access—often after consultation and cooperation with the state and local bar associations. These efforts already are having a positive effect on our system of justice, and their scope and impact continue to grow. I would like to talk today about a few of these programs. In fact, I am very pleased to say that there are so many that I cannot touch upon them all in the time available to me this morning.

EQUAL ACCESS FUND

Last year, for the first time, the State of California, as part of its budget process, allocated \$10 million directly for legal services to the poor. Creation of this Equal Access Fund was urged by a broad coalition of public interest groups, along with the State Bar and the Judicial Council. Because of the fiscal crisis in our state, the amount of funding remained the same this year, but we shall ask again for an increase in these funds for the next fiscal year, while using the available funds in the current year's budget to continue what has proved to be an exciting and highly beneficial program.

The Equal Access Fund has been employed to provide resources for those needing assistance, including joint efforts between legal services programs and the courts to establish self-help clinics and other services for needy litigants. Self-help centers in courthouses in Van Nuys and Orange County, pilot family law projects in Los Angeles, Fresno, and Sacramento, and a general civil program assisting litigants in five counties in the Gold Country have been created. This is just one example of an expanding effort to match court and community resources and the needs of the public. The creativity demonstrated by courts and local bar associations in this area has been truly phenomenal.

Some courts have installed self-help kiosks with simplified forms and provided Internet access to assist pro per litigants in following the necessary steps in a court case. The Superior Court of Ventura County has an award-winning, nationally acclaimed mobile self-help van that travels to different parts of the county to bring

assistance to individuals who otherwise could not make it to the courthouse.

PUBLIC OUTREACH

Other courts have conducted one-day special sessions—some held on Saturdays—for veterans and the homeless, in which representatives from the courts, social service organizations, other government offices, and veterans' agencies provide one-stop problem solving for everything from outstanding warrants to claiming benefits to obtaining housing or substance abuse counseling. Los Angeles's Adoption Saturdays, a cooperative effort between the bench, bar, and local social service agencies in which I recently personally participated, continue to make permanent families for children a reality sooner rather than later, and have served as a model for similar efforts in other locations.

Courts have developed a variety of exciting educational programs for local students and schools. In one, judges conduct one-hour classes with eighth-grade students every other week. In another, 20 to 30 students from local high schools are treated as members of the press corps. They observe court sessions, conduct interviews, and write stories for submission to a Web site for public posting. Another court has a program focused on youth who have been involved in hate-motivated behavior, and in another court an actual driving-while-under-the-influence trial is held before several hundred high school students. . . .

SELF-HELP WEB SITE

I am also pleased to note the recent debut, on the Judicial Council's Web site, of a very well-received new informational resource. The self-help component of the Web site offers links to free and low-cost legal services. It has guides to law libraries, explains alternative dispute resolution alternatives, and describes generally what goes on at a courthouse and where the local courthouse is located.

In addition, the site has links to more than 200 other resources and, perhaps most importantly, has pages specifically designed to provide unrepresented litigants with basic, practical information and forms concerning family law, traffic court, juvenile law, domestic violence, small claims, guardianships and conservatorships, and a variety of other topics.

This Web site is not intended to replace the assistance of counsel or to suggest in any way that having a lawyer is not the best course of action. But it does recognize that until we have the resources available to provide the assistance every litigant needs, all too many individuals will be unable to vindicate their rights without some guidance. This kind of assistance should help these unrepresented litigants move their cases through the courts effectively—to the great benefit of the judicial process, as well—and also can be used by other litigants to obtain basic information that will enable them to work better with the lawyers they do have.

In the first five weeks after the self-help site was installed, it has received more than one million hits. Every indication from e-mail messages, radio call-in shows, telephone calls, and news articles is that the Web site has been very well received by journalists, librarians, academics, even lawyers—and, best of all, by the laypersons for whom the system was designed.

Nor is this Web site a one-time effort. The 900 pages of information already online are being translated into Spanish. Some forms, particularly those concerning domestic violence restraining orders, already are available in Spanish, Korean, Vietnamese, and Chinese. And work is under way to add more subjects, in addition to the regular updating of information, as we continue to expand and improve the site.

Although the practice of law can be a satisfying means of earning a good living, the satisfaction to be obtained from the profession of which we all are a part flows not merely from the paycheck we bring home to our families—important as that is—but also from what we give back to the community and to the administration of justice. Each of us can make an important contribution to improving access to justice in our state and increasing the confidence of the public whose interests we are dedicated to protecting and serving.

Take Note

For the full text of the Chief Justice's State of the Judiciary address, visit the California Courts Web site, www.courtinfo.ca.gov/reference/soj0901.htm.

Judicial Council Action

Council Creates Court Budget Panel

At its October 26 meeting, the Judicial Council adopted new rules that will change the budget development and allocation process for California’s trial courts.

The rules create a new Judicial Branch Budget Advisory Committee (JBBAC) to work with the Judicial Council and the Administrative Office of the Courts in the development of and advocacy for the judicial branch annual budget, which is now \$2.5 billion. The committee, which succeeds the former Trial Court Budget Commission, will consist of a small group of judges and court administrators with knowledge of and expertise in the judicial branch finance process.

Authorized by recent legislation, the new rules put in place many of the budget procedures already in use in the trial courts and make the courts’ budget process more consistent with those of other state government entities.

OTHER ACTIONS

In other actions, the council:

□ Approved a prioritized list of 150 new judgeships that are recommended for trial courts in the next three years. The proposed judgeships are based on the judicial workload standards that were approved by the council last August. The council deferred a decision to sponsor legislation (in fiscal year 2002–2003) creating 50 new judgeships until the leadership of the judicial, executive, and legislative branches meets on this issue.

□ Approved a proposal from the Trial Court Presiding Judges Advisory Committee to amend rule 6.603, adding factors that presiding judges must take into account in making judicial assignments, specifying that assignments must not be based solely or primarily on seniority, clarifying that the authority to make judicial assignments rests with the presiding judge, and stating that the presiding judge of the court must

designate a presiding judge of the juvenile division.

□ Approved new and amended rules governing habeas corpus proceedings in the superior courts. The rules do not substantially change current rules but set forth all habeas corpus procedures in a more logical and understandable manner.

□ Approved new guidelines governing the operation of family law information centers and family law facilitator offices. The guidelines require impartiality and recognition of the role of such centers as part of the court system.

□ Approved new signage for display in court clerks’ offices that will clarify the types of information and advice that court staffs may and may not provide to the public. The signage will be translated into other languages and will be sent to courts in both printed and electronic forms.

□ Deferred action on proposed new court rules that would govern public access to electronic trial court records while protecting privacy interests. The council is expected to consider the proposed rules when it meets in December.

The new and amended rules of court will be posted on the California Courts Web site at www.courtinfo.ca.gov/rules. ■

New AOC Regional Offices

In order to expand its services and provide an effective liaison to the trial courts, the Administrative Office of the Courts (AOC) has opened two regional offices. The task of the new offices is to improve communication and mutual support between the AOC and the courts, especially in the areas of technology, finance, and human resources.

Michael Roddy, former executive officer of the Superior Court of Sacramento County, will serve as the regional administrative director for Northern/Central California. Sheila Gonzalez, former executive officer of the Superior Court of Ventura County, will serve as the regional administrative director for Southern California.

Following is the contact information for the regional offices:

■ Administrative Office of the Courts
Northern/Central Regional Office
770 L Street, Suite 700
Sacramento, CA 95814
916-323-3036
Fax: 916-323-4347



Michael Roddy

■ Administrative Office of the Courts
Southern Regional Office
3500 W. Olive Ave., 3rd Floor
Burbank, CA 91505
818-973-2706
Fax: 818-973-2726



Sheila Gonzalez

November Named Court Adoption and Permanency Month

In observance of National Adoption Month, the Judicial Council declared November to be Court Adoption and Permanency Month in California. The council made the declaration at its October 26 meeting, in conjunction with a similar action by the Governor’s Office, to focus attention on the state’s adoption system.

For the third year, the judicial branch is putting emphasis on securing permanent homes for children by encouraging courts and communities to address the

importance of adoptions in their counties. With more than 101,000 children in California living apart from their families and 13 percent of foster children placed in non-kin care remaining in that care six years later, counties are using Court Adoption and Permanency Month to find children permanent homes.

For example, the Superior Court of Los Angeles County held its 12th Adoption Saturday on November 17 and secured homes for approximately 600 children. To date, the Los Angeles

County court has finalized more than 4,800 adoptions through Adoption Saturdays. Alameda County hosted its own Adoption Saturday event on November 3 and finalized approximately 75 adoptions. The Superior Court of San Bernardino County placed nearly 100 kids in permanent homes at its Adoption Celebration on November 2.

Nevada and Solano Counties are instituting annual Adoption Saturday events. The Nevada County court plans to make tiles embossed with hand impressions of the adopted children, along with their first names and the years they were adopted, and mount the tiles on a courthouse wall. Solano County is erecting a permanent wall hanging—a ceramic mosaic with a handprint of each adoptee—at its courthouse. ■

AOC Reorganizes

To better coordinate its services and programs so as to provide increased support to the courts, the Administrative Office of the Courts (AOC) combined its Trial Court Programs and Judicial Council Services Divisions to form the Executive Office Programs (EOP) Division, effective November 1.

“The implementation of statewide funding of the trial courts and unification of the municipal and superior courts have prompted the restructuring of several divisions and programs of the AOC,” says Ronald G. Overholt, Chief Deputy Administrative Director of the Courts. “The reorganization is part of a business planning process that began more than a year ago, and it promises to increase our ability to serve the courts.”

EOP Division Director Pat Sweeten will oversee the staffs of the Collaborative Justice and Jury Improvement Projects, the Office of Communications, the Trial Court Presiding Judges and Court Executives Advisory Committees, the Research and Planning Unit, and Secretariat and Conference Services. In addition, EOP will include a new Court Consulting Unit and a new Management Information/Policies and Procedures Unit.



Judicial Council members gathered to watch Chief Justice Ronald M. George sign a declaration establishing November as Court Adoption and Permanency Month in California.